

REMARKS/ARGUMENTS

The instant rejection has quoted the language of 35 U.S.C. §103 and the rejection has been argued under 35 U.S.C. §103, however, claims have been rejected under 35 U.S.C. 102(e). As such, the Applicant considers the above mentioned inconsistency as a typographical error and has respectfully responded to the rejection under 35 U.S.C. §103.

Claim rejections 35 U.S.C. §103

Claims 1-3 and 5-21 were rejected, under 35 U.S.C. §103(a), as being allegedly unpatentable over Ottesen et al. (US Pat. No. 6,208,804 b1) (hereinafter Ottesen) in view of Hurtado et al. (US Pat. No. 6,983,371 B1) (hereinafter Hurtado) and further in view of Glasser et al. (US Pat. No. 5,764,890) (hereinafter Glasser). The Applicant respectfully traverses the rejection.

Independent Claim 1 recites (emphasis added):

In a first device for transferring a digital signal, a method of exchanging data between the first device and a second device comprising the steps of:

- a) establishing a connection between said first device and said second device;
- b) negotiating the maximum size of packets for transfer between said first device and said second device;
- c) a communication layer of code coupled to said first device receiving at least one packet from said second device;
- d) said communication layer of code sending a response to said second device for each of said packets received in step c); and
- e) said communication layer transferring all of said packets as a single group to a processing layer of code coupled to said first device, wherein said processing code and said communication code are independent from each other, and wherein said processing layer of code performs authentication and also determines compliance with a copy protection scheme.

Accordingly, independent Claim 1 recites a limitation whereby the maximum size of the packet is negotiated between the first device and the second device. A corresponding response to each packet received by the first device is sent from the first device to the second device, as claimed. For example, response one is sent for packet one received, response two is sent for packet two received and so forth. After all the packets are received by the first device, all the received packets are grouped together and sent as a single group to the processing layer, as claimed.

Ottesen discloses that an ATM communication network is suitable for communicating with a plurality of multimedia programs which conform to the Open Systems Interconnection (OSI) model (see Ottesen, col. 18, lines 1-9). The rejection asserts that because there is a communication network for communicating with multimedia programs, the set-top unit communicates back and forth with multimedia server. However, Ottesen does not disclose nor does Ottesen suggest sending a response for each packet received, as claimed. Moreover, the Applicant does not understand communicating with multimedia program to necessitate sending a response for each packet received, as claimed.

Moreover, the rejection asserts that Ottesen discloses that the packet transmission to the set-top unit uses header error check (see Ottesen, col. 17, lines 55-67), hence requiring a response. The Applicant respectfully disagrees. Ottesen specifically discloses that each cell typically includes a header error

check which detects and corrects errors in the header (see Ottesen, col. 17, 55-56). As such, as disclosed by Ottesen, detected error is corrected in the header. The Applicant respectfully asserts that nowhere in the cited portion does Ottesen teach or suggest sending a response for each packet received, as claimed.

Additionally, the rejection asserts that Ottesen discloses that the set-top unit performs packet synchronization (see Ottesen, col. 22, lines 37-48), hence requiring a response. The Applicant has not found a disclosure in Ottesen either teaching or suggesting sending a response for each packet received, as claimed. Moreover, Ottesen discloses that the transfer buffer receives segments from the input buffer, hence buffering segments into and out of the direct access storage device (DASD) to enhance synchronization (see Ottesen, col. 22, lines 37-42). As such, synchronization is between components of the same device, set-top control system (see Ottesen, Figure 11). As such, assuming arguendo that a response is sent, the response is not sent from a first device to a second device, as claimed but is rather sent between the components of the same device, set-top control system.

The rejection asserts without any support that “according to the OSI model the packets are received individually in the data-link layer and then after some modification and arrangement (i.e., re-assembling the packets), they are sent to the application layer for a process.” The Applicant respectfully traverses this assertion. The Applicant does not understand the OSI model to teach receiving

all packets and sending all of said packets as a single group to a processing layer, as claimed. As such, the Applicant respectfully invites the Examiner to introduce a reference teaching this limitation of independent Claim 1 or kindly withdraw the rejection.

The rejection admits that Ottesen does not expressly disclose that the processing layer of code performs authentication and determines compliance with a copy protection scheme, as claimed. In order to remedy this defect, the rejection relies on Hurtado. Hurtado discloses that the clearinghouse receives a request for a decryption key (see Hurtado, col. 14, lines 44-45). Hurtado further discloses that the clearinghouse validates and authenticates the request and once the verifications are satisfied, the clearinghouse sends the decryption key (see Hurtado, col. 14, lines 46-53). The clearinghouse is a unit separate from the end-user (see Hurtado, Figures 1A, 1B, 1C and 1D). As such, validation and authentication in Hurtado is performed by a separate unit, the clearinghouse unit. Independent Claim 1 distinguishes over Hurtado by reciting a limitation where the processing layer performs authentication and compliance where the processing layer and the communication layer are part the same device, the first device, as claimed. As such, the addition of Hurtado does not remedy the failure of Ottesen for not disclosing the limitation that the processing layer of code performs authentication and determines compliance with a copy protection scheme, as claimed.

Moreover, Hurtado does not disclose nor does it suggest sending a response for each packet received, as claimed. Additionally, Hurtado neither teaches nor suggests that response is sent from a first device to a second device, nor does Hurtado teach or suggest receiving all packets and sending all of said packets as a single group to a processing layer, as claimed. As such, the combination of Ottesen and Hurtado does not teach the limitations of independent Claim 1.

The rejection further admits that Ottesen in view of Hurtado does not expressly disclose negotiating the maximum size of said packets transferred between said first device and said second device, as claimed. In order to remedy this failure the rejection relies on Glasser. The rejection asserts that it would have been obvious to utilize the scheme to negotiate the maximum size of the packets as taught in Glasser in the system of Ottesen in view of Hurtado. The Applicant respectfully disagrees. Ottesen discloses that the fixed cell size simplifies the implementation of ATM switches and multiplexers while providing very high speeds (see Ottesen, col. 17, lines 60-62). Accordingly, Ottesen teaches away from the recited limitation of negotiating the maximum size of the packets, as claimed because as disclosed by Ottesen, the fixed cell size is desirable as it simplifies the implementation while providing very high speeds. As such, it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Glasser with Ottesen and Hurtado to negotiate

the maximum size of the packets transferred between said first device and said second device, as claimed.

Accordingly, the combination of Ottesen, Hurtado and Glasser neither teaches nor suggests the recited limitations of independent Claim 1. Dependent Claims 2-3 and 5-8 are patentable by virtue of their dependency. Independent Claims 9 and 13 recite limitations similar to that of independent Claim 1 and are accordingly patentable over the cited combination, under 35 U.S.C. §103, for the same reasons. Dependent Claims 10-12 and 14-21 are patentable by virtue of their dependency. As such, allowance of Claims 1-3 and 5-21 is earnestly solicited.

For the above reasons, the Applicant requests reconsideration and withdrawal of rejection under 35 U.S.C. §103(a).

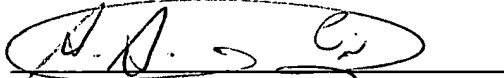
CONCLUSION

In light of the above listed remarks, reconsideration of the rejected Claims 1-3 and 5-21 is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-3 and 5-21 overcome the rejection of record and, therefore, allowance of Claims 1-3 and 5-21 is earnestly solicited.

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